

Joseph & Norinsberg LLC

Fighting for Employee Justice



Queens Office

69-06 Grand Avenue, 3rd Floor
Maspeth, New York 11378

Manhattan Office

110 East 59th Street, Suite 2300
New York, New York 10022

Newark Office

One Gateway Center, Suite 2600
Newark, New Jersey 07102

Philadelphia Office

1515 Market Street, Suite 1200
Philadelphia, Pennsylvania 19102

Boston Office

225 Franklin Street, 26th Floor
Boston, Massachusetts 02110

Orlando Office

300 N. New York Ave, Suite 832
Winter Park, Florida 32790

Arjeta Albani, Esq.

arjeta@employeejustice.com

January 21, 2025

VIA ECF

Hon. Jennifer L. Rochon
United States District Court Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 20B
New York, N.Y. 10007

Re: Juan Igartua v. Frass Box Cannabis, LLC
Case No. 1:24-cv-06576 (JLR)
Status Letter

Dear Judge Rochon;

We represent Plaintiff Juan Igartua in the above-referenced matter. We write in response to Your Honor's Order dated January 15, 2025, requiring Plaintiff to submit a letter by January 21, 2025, advising the Court of the next steps (ECF Doc. 11).

As Your Honor is aware, Plaintiff initiated this action by filing a Complaint on August 30, 2024 (ECF No. 1). The affirmation of service was eventually filed on December 12, 2024 (ECF No. 8). Defendant was required to answer or otherwise respond to the Complaint on or before January 2, 2025. To date, neither Defendant nor counsel for Defendant has filed an Answer, nor have they responded to Plaintiff's numerous requests for their intent.

We have made several attempts to contact the Defendant directly to obtain their position on this pending matter and successfully made contact on two occasions with the putative owner of Frass Box Cannabis, LLC, Ms. Daphne Borowski. On January 15, 2025, Mr. Pomerance from our office spoke with Ms. Daphne Borowski claimed to have no knowledge of the pending lawsuit but indicated that she would be accept service of the initiating documents should we forward those documents to the company website. On the same day, our office sent via email copies of the Summons and Complaint and the documentary proof of those claimed access barriers. After

explaining our position and the potentiality of a default judgment, Ms. Borowski stated that upon her return home, she would reach out to attorneys, who would be in touch with us soon.

On January 21, 2025, after having no contact with Defendant or its representatives, our office attempted to reach out again to Ms. Daphne Borowski, to no avail. Mr. Pomerance again called the listed telephone number on the company's website. However, the person who answered, stated that Ms. Borowski had already left for the day. Though they claimed to have directed our messages to the owner, to date we have not heard anything in response.

It has been Plaintiff's intent to allow Defendant a rather wide latitude in this matter, however given Defendant's failure to Answer, obtain counsel or follow up with our office, it is our intent to proceed with a default judgment against the Defendant.

We respectfully request that the Court allow us the opportunity to proceed with the prosecution of this matter and set a time by which Plaintiff should initiate default judgment proceedings.


Yesterday we inadvertently failed to file this document; though we had prepared and edited the same to file. We apologize for this oversight, and we assure this Court that this will not occur again.

Plaintiff shall initiate the default judgment process
by in accordance with the Court's Individual Rules
and Local Rule 55 no later than February 6, 2025.

Dated: January 23, 2025

New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge

Respectfully submitted,

JOSEPH & NORINSBERG, LLC



Arjeta Albani, Esq.
Attorneys For Plaintiff
110 East 59th Street, Suite 2300
New York, New York 10022
(212) 227-5700
Fax No. (212) 656-1889
arjeta@employeejustice.com

c.c.

Frass Box Cannabis LLC
info@frassboxcannabis.com